

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ELWOOD BENNETT,

Plaintiff,

v.

Case No. 20-cv-0260-bhl

CO ROJAS,

Defendant.

ORDER

Plaintiff Elwood Bennett is proceeding with a claim defendant CO Rojas violated his civil rights by repeatedly failing to provide proper medical care for his mental illness. Dkt. No. 7 at 4. On December 10, 2020, the defendant filed a motion to compel discovery, along with documentation showing that defense counsel attempted to confer with Bennett before filing the motion. Dkt. Nos. 27-31. The defendant asks the Court to order Bennett to sign and return an authorization giving the defendant access to Bennett's medical records from the Racine County Jail related to the claims in this lawsuit. Bennett refuses to sign the requested authorization and simply states, "my medical history is not to be shared." Dkt. No. 30-1.

Bennett has placed his medical condition at issue by bringing this lawsuit; thus, the Court is satisfied that the defendant is entitled to access the records he seeks. Accordingly, the Court will grant the defendant's motion to compel. Bennett must sign and return to defense counsel the requested authorization, *see* Dkt. No. 28-1 at 4, within fourteen days of service of this order. Failure to comply with this order will result in dismissal of this case for failure to prosecute. The Court further orders that the defendant may not use the medical records and other information

produced as a result of this discovery for any purposes other the defense of this case and must otherwise maintain the privacy of all documents and information produced.

IT IS THEREFORE ORDERED that the defendant's motion to compel (Dkt. No. 27) is **GRANTED**. Bennett must sign and return to defense counsel the requested authorization, *see* Dkt. No. 28-1 at 5, **within fourteen days** of service of this order. Failure to comply with this order will result in dismissal of this case for failure to prosecute. The defendant shall promptly notify the Court if he does not receive a signed authorization from Bennett.

IT IS FURTHER ORDERED that the defendant shall maintain the private and confidential nature of plaintiff's medical records and related information and shall not use these documents or information for any purposes other the defense of this case.

Dated at Milwaukee, Wisconsin this 2nd day of February, 2021.

s/ Brett H. Ludwig

Brett H. Ludwig
United States District Judge